

SECOND REGULAR SESSION

HOUSE BILL NO. 1750

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

3297H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 162.091, RSMo, and to enact in lieu thereof two new sections relating to school boards, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 162.091, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.052 and 162.091, to read as follows:

162.052. 1. The registered voters of a school district may file a petition with the district's school board asking that an item be placed on a board meeting agenda. If the school board of a school district receives a petition, signed by at least five percent of the registered voters of the school district who voted in the last school board election, calling for an item to be placed on the agenda for the school board, the school board shall place the requested item on the next meeting's agenda and shall take a vote on the petitioned item within the next three board meetings. The petition shall include each signer's printed or typed name, registered voting address, signature, and the date signed. The school district shall verify the name, address, and signature requirements with the local election authority of the district.

2. The school board shall follow all relevant board policies in regards to the placement of the item on the agenda, time allowed for discussion, testimony allowed, quorum requirements, the process by which a vote is taken, and the required number of votes for approval.

3. The petition shall contain a concise statement of the item the school board is being requested to discuss and vote upon. Such statement shall consist of no more than

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 one hundred words. The item requested by the petition shall be presented to the board
18 in its exact form and shall not be modified by the board.

19 4. A petition to request an item to be placed on the school board's agenda shall
20 not be submitted for the same item more than once every six months.

21 5. Items that may be presented to the board by petition shall include, but shall
22 not be limited to:

23 (1) Implementing, changing, or repealing a board policy;

24 (2) Modifying or reversing an action taken by school administration or
25 requesting that certain action be taken by school administration;

26 (3) Implementing, changing, or discontinuing the use of any curriculum or
27 course of instruction; or

28 (4) Modifying the school calendar.

29 6. The petition process authorized by this section shall not be used to recall
30 board members, change district boundaries, authorize any bonding, impose any
31 additional tax, or for any other purpose that would require an issue be placed on the
32 ballot to be voted upon by residents at an election. A petition may be submitted as
33 provided in this section to request that any of the issues described in this subsection be
34 discussed at an upcoming school board meeting and voted upon by the school board for
35 further consideration by the district's voters.

162.091. 1. As used in this section, the term "public official" means any:

2 (1) County clerk[;];

3 (2) County treasurer[;];

4 (3) School board member, officer, or employee[;]; or

5 (4) Other officer[;].

6 2. Any public official who willfully neglects or refuses to perform any duty imposed
7 upon ~~him~~ such public official by chapters 160 to 168[;] or chapter 170, 171, 177 ~~and~~, or
8 178, or who willfully violates any provision of ~~these~~ such chapters, is guilty of a
9 misdemeanor and on conviction shall be punished by a fine of not more than five hundred
10 dollars or by imprisonment in the county jail not to exceed one year.

11 3. Any person aggrieved by the willful neglect or refusal of a public official to
12 perform any duty imposed upon such public official by chapters 160 to 168 or chapter
13 170, 171, 177, or 178 shall have a civil claim for damages against such public official for:

14 (1) Injunctive relief;

15 (2) Compensatory damages;

16 (3) Punitive damages;

17 (4) Costs of litigation including, but not limited to, expert witness fees; and

18 (5) Reasonable attorney's fees for the prosecution of the action.

19 **4. Neither sovereign immunity nor official immunity shall be a defense in any**
20 **such civil action.**

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